

Permitting and Assistance Branch Staff Report
New Minor Waste Tire Facility Permit for ExFire, Inc.
TPID No. 1619119
November 3, 2011

Background Information, Analysis, and Findings:

This report was developed in response to a Minor Waste Tire Facility Permit (WTFP) application received from the operator of ExFire, Inc. located at 10875 Stanford Avenue, in the City of Lynwood (Los Angeles County). ExFire, Inc. has been operating as a wholesaler for new and used tires since 2009. The property site is less than one acre (approximately 10,000 square feet), and within a Manufacturing (M) zone.

The operator proposes to store a maximum capacity of 4,999 waste tires on-site. Incoming tires are sorted by size and quality for purchase. Waste tires returned by customers are loaded and delivered to the nearest tire recycling facility.

An application for a Minor WTFP was received by Permitting and Assistance Branch staff on August 11, 2011, which was accepted as complete and correct on August 24, 2011. Pursuant to Title 14, California Code of Regulations (CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete and correct to either issue or deny the issuance of a Minor WTFP. CalRecycle is required to act by February 20, 2012.

Findings

Staff recommends approval of the issuance of the proposed permit. All of the required submittals and findings required by 14 CCR, Section 18431 have been met to support concurrence. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Permitting and Assistance Branch.

The following table summarizes the staff's findings relative to the permit application:

	Findings	
California Environmental Quality Act (CEQA)	Staff of the Permitting and Assistance Branch found that the issuance of the Minor Waste Tire Facility Permit is categorically exempt from the requirements of CEQA. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Staff of the Waste Evaluation and Enforcement Branch (WEEB) conducted an inspection of the facility on September 28, 2011. See additional compliance information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR, Sections 18431(a) through (d)	All application forms were accepted by Permitting and Assistance Branch staff as complete on August 24, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<i>Local Vector Control:</i> Mr. Mark Hall, Operations Supervisor, with the Greater Los Angeles County Vector Control District approved of the vector	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

	control practices and provided prevention methods in a letter dated July 27, 2011. <i>Local Fire Authority:</i> The CalRecycle Indoor and Outdoor Local Fire Approval Form were signed by Mr. David R. Joseph, Fire Inspector, with the Los Angeles County Fire Department on August 1, 2011.	
Reviewed by: CalRecycle Legal Office	Approved on November 16, 2011	
Waste Evaluation and Enforcement Branch	Approved on September 28, 2011	

Compliance History:

As a used tire dealer, the operator is allowed to store up to 1,500 waste tires for no longer than 90 days. Staff of WEEB and of Permits and Assistance Branch conducted a pre-permit inspection on September 21, 2011, and found the facility to be in violation for operating as an unpermitted minor waste tire facility, as they had approximately 2,500 waste tires on-site. A follow-up inspection was conducted on September 28, 2011, and determined the facility to be under the 1,500 waste tire limit, and in compliance with applicable state minimum standards.

Environmental Analysis:

Under CEQA, CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is a lead agency under CEQA and must make a determination as to whether this proposed permit is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The proposed WTFP is considered to be a project under CEQA [CEQA Guidelines 15378(a)(3)] and the facility is required to obtain a permit pursuant to 14 CCR Section 18420 for the storage of up to 4,999 waste tires.

The City of Lynwood, Business License Division, issued a Business License, No. 13746, on December 12, 2010. The business license certifies that ExFire, Inc. complies with applicable construction requirements and the applicable zoning requirements of the Lynwood Municipal Code for the use of land for the wholesale of tires. The Lynwood Municipal Code was most recently amended on May 3, 2011, and is consistent with the City of Lynwood General Plan, Land Use Element.

Staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for CalRecycle's approval of this Minor WTFP. The Preliminary Review indicates that the proposed project:

- Involves the continued operation of an existing facility within the permitted land use;
- Involves no expansion of use beyond that existing;
- Does not allow relaxation of standards leading to environmental degradation;

- Would have no significant environmental impacts; and
- There are no additional cumulative environmental impacts.

CalRecycle staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities, is appropriate for CalRecycle's issuance of this proposed Minor WTFP.

Staff recommends that CalRecycle, acting as a lead agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after CalRecycle's issuance of the Minor WTFP, in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations from what currently exist. Further, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report, the Categorical Exemption and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues

Staff has not identified any local issues related to this item. No environmental justice issues were identified by the surrounding community. According to the year 2010 Census data, tract 5403 has a total population of 69,700 people. 36.6% of the people are white, 11.2% are African American, 0.7% are American Indian and Alaska Native, 0.9% are Asian, 0.4% are Native Hawaiian and other Pacific Islander, 47.7% some other race, and 2.5% are two or more races. 83.2% of the population is identified as Hispanic or Latino. The Census tract data indicates that 17.9% of families live below the poverty level. Therefore, staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended in this item.

Public Comment

Permitting and Assistance Branch staff discussed this proposed Minor WTFP at CalRecycle's monthly public meeting conducted on November 15, 2011. No public comments were received on this project during this meeting and no other public comment has been received by CalRecycle staff.

Attachment: Minor WTFP